

1 **SEC. 2. Appropriation.** There is biennially appropriated out of
2 any funds in the state treasury not otherwise appropriated, the sum
3 of twelve thousand five hundred dollars (\$12,500.00) for the purpose
4 of paying the compensation and actual expenses of the inspectors and
5 instructors authorized by section three (3) of chapter one hundred
6 eighty-seven (187), acts of the 37th general assembly, as amended
7 by the 38th general assembly, chapter three hundred fifty (350) and
8 by the 39th general assembly, chapter three hundred four (304).

1 **SEC. 3. Appropriation.** There is biennially appropriated out of
2 any funds in the state treasury not otherwise appropriated, the sum
3 of twelve thousand five hundred dollars (\$12,500.00) for the purpose
4 of paying the compensation and actual expenses of the inspectors and
5 instructors authorized by section seven (7) of chapter one hundred
6 eighty-seven (187), acts of the 37th general assembly, as amended
7 by chapter three hundred fifty (350), acts of the 38th general assembly,
8 as amended by chapter three hundred four (304), acts of the
9 39th general assembly.

1 **SEC. 4. Appropriation.** There is biennially appropriated out of
2 any funds in the state treasury not otherwise appropriated, the sum
3 of seventy-five hundred dollars (\$7500.00) for the purpose of paying
4 the compensation and expenses of the employees authorized by section
5 twelve (12) of chapter one hundred eighty-seven (187), acts
6 of the 37th general assembly, as amended by chapter three hundred
7 fifty (350), acts of the 38th general assembly and by the 39th general
8 assembly, chapter three hundred four (304).

Approved April 2, A. D. 1923.

CHAPTER 48

ANIMAL HEALTH

H. F. 732

AN ACT to amend chapter two hundred eighty-seven (287), acts of the thirty-eighth general assembly as amended by the acts of the thirty-ninth general assembly (C. C. title VIII, chapter 15) so as to permit the establishment of additional methods for the eradication of bovine tuberculosis and to promote the health and welfare of the citizens of the state.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1.** That the law as it appears in chapter two hundred
2 eighty-seven (287) of the acts of the thirty-eighth general assembly
3 as amended by the acts of the thirty-ninth general assembly (c. c.
4 title VIII, chapter 15) be and the same is hereby amended by insert-
5 ing immediately following section ten (10) thereof the following:

1 **SEC. 10-a. Tuberculosis—local plan to eradicate.** There is hereby
2 established for the purpose of the eradication of bovine tuberculosis,
3 the county area plan, and the county accredited area plan.

1 **SEC. 10-b. County area testing unit—establishment.** Whenever a
2 petition signed by fifty-one per cent of the owners of breeding cattle
3 within the county, as shown by the assessor's reports, together with
4 agreements as provided in section ten (10) hereof, shall be presented
5 to the board of supervisors, the board shall make application to the
6 commission of animal health of the state for the enrollment of said
7 county under the county area plan and shall, at the same time for-
8 ward to the commission of animal health the agreements signed as
9 provided herein. The commission of animal health shall, when it
10 receives agreements signed by fifty-one per cent of the owners of
11 breeding cattle within such county, designate such county as a county
12 area testing unit and it shall forthwith proceed with the eradication
13 of bovine tuberculosis in such county under the county area plan as
14 provided herein.

1 **SEC. 10-c. County eradication fund—election.** Or upon the receipt
2 of a petition signed by 15% of the voters of any county, as shown by
3 the vote on the head of the ticket in the last general election, the
4 board of supervisors shall submit at the next general election the
5 following proposition: "Shall.....county levy
6 a tax of not more than three (3) mills on the taxable value of the
7 county for the purpose of establishing a county area tuberculosis
8 eradication fund and entering upon the county area tuberculosis eradi-
9 cation plan." Should such a proposition carry in the next general
10 election, the board shall proceed as in this section provided, to estab-
11 lish the county area tuberculosis eradication plan.

1 **SEC. 10-d. Tax.** The board of supervisors of such county shall,
2 when it makes the next regular levy for taxation purposes, levy a tax
3 upon the taxable value of all the property in such county at a rate
4 of not more than three (3) mills, to be placed upon the tax list by
5 the county auditor and collected by the county treasurer in the same
6 manner and at the same time as the other taxes of the county, said
7 moneys, when collected, to be placed in a fund to be known as the
8 county tuberculosis eradication fund.

1 **SEC. 10-e. Disbursement of fund.** The county tuberculosis eradi-
2 cation fund shall be expended only on the order of the board of super-
3 visors on warrants drawn by the county auditor and in payment for
4 the purchase of materials, for compensation of employees and expenses
5 of tuberculosis inspectors as hereinafter provided, and for indemnity
6 for cattle slaughtered as provided herein.

1 **SEC. 10-f. Inspectors—appointment—compensation.** The commis-
2 sion of animal health shall, when it has designated any county as a
3 unit for the eradication of bovine tuberculosis under the county area
4 plan, appoint one or more accredited veterinarians as tuberculosis
5 inspectors for such county, and such inspectors shall operate under
6 the direction and control of the commission of animal health and shall
7 test the breeding cattle of such owners as shall have signed agree-
8 ments with the commission of animal health as provided in section
9 ten (10) of this chapter. They shall receive as compensation not to
10 exceed ten dollars (\$10.00) per diem and ten cents (10c) for every
11 mile traveled while engaged in such work. Such claims shall be first
12 certified by the executive officers of the commission of animal health

13 and filed with the county auditor. The county auditor shall present
14 same to the board of supervisors and same shall be allowed and paid
15 in the same manner as are other claims against the county.

1 **SEC. 10-g. Tuberculin furnished—payment.** The commission of
2 animal health shall furnish each such inspector with the necessary
3 tuberculin or other material, not including instruments and utensils
4 which shall be furnished by the inspector. All such expenses incurred
5 shall be paid from the county tuberculosis eradication fund on proper
6 claim being presented in the same manner as hereinbefore provided
7 for the payment of compensation and expenses to inspectors.

1 **SEC. 10-h. Funds to fulfill agreements.** The commission of animal
2 health shall, each fiscal year hereafter, set aside a sum from the state
3 and federal funds available, sufficient to fulfill such agreements as may
4 heretofore have been entered into under the provisions of this chapter,
5 and shall also reserve such additional amount as said commission
6 deems necessary for its use in the administration of the general provi-
7 sions of this chapter, but any owner, who may hereafter sign any
8 agreement with the commission of animal health for testing of cattle
9 under chapter two hundred eighty-seven (287), acts of the thirty-
10 eighth (38th) general assembly, shall be subject to the provisions of
11 section 10-k hereof whether such testing be under the county area
12 plan or not.

1 **SEC. 10-i. Allotment of funds.** After such sums shall have been
2 set aside, the commission of animal health shall prorate the remainder
3 of any state or federal funds available among the counties of the
4 state in proportion to the number of breeding cattle owned in each
5 county, as shown by the last preceding assessor's books. Such moneys
6 shall be expended in the county where allotted, provided, however,
7 that the commission of animal health, whenever it deems it necessary
8 for the welfare of the state, or whenever such moneys are not needed
9 in any county, transfer such moneys so remaining in any county's
10 allotment, to any other county.

1 **SEC. 10-j. Inspectors—use of allotted funds.** The commission of
2 animal health may employ the inspectors appointed under the county
3 area plan or it may employ other inspectors to make tests in any
4 county and to pay indemnities to owners of animals ordered slaugh-
5 tered in the manner provided in section ten (10) hereof, out of the
6 county's allotment. However, if any county is operating under the
7 county area plan, the allotment made to such county must be expended
8 before the county tuberculosis eradication fund may be used.

1 **SEC. 10-k. Waiver of indemnity.** Any owner who shall sign an
2 agreement with the commission of animal health for testing in any
3 county under the county area plan, whose loss as determined under
4 the provisions of section ten (10) hereof, shall be five per cent or less
5 of the total appraised value of the animals tested, shall, in considera-
6 tion of the free test as herein provided, be considered to have waived
7 all claims to indemnity as provided in such section, and any owner,
8 where the loss shall exceed five per cent of the appraised value of his
9 animals tested, shall first deduct the said five per cent in considera-
10 tion of such free test and shall then receive indemnity for the excess
11 of such loss as provided in section ten (10) hereof.

1 **SEC. 10-l. Use of county eradication fund.** Should either the state
2 or federal funds available for the purpose of this act in any county,
3 become exhausted, the board of supervisors of such county shall
4 authorize the use of the county tuberculosis eradication fund as a
5 substitute for either or both such funds; provided, however, that the
6 board of supervisors shall, whenever the county tuberculosis eradica-
7 tion fund balance becomes less than ten thousand dollars (\$10,000.00),
8 notify the commission of animal health in writing of such fact and
9 no warrant shall be drawn against said fund and no expense incurred
10 on such account in excess of the cash available in such fund.

1 **SEC. 10-m. Accredited area—conditions.** Whenever seventy-five
2 per cent of the owners of breeding cattle in any county operating
3 under the county area plan, shall have signed agreements with the
4 commission of animal health, said commission shall notify the board
5 of supervisors of such county of such fact and such board of super-
6 visors, shall, at its next regular meeting, by resolution, declare such
7 county's intention to become an accredited area and it shall thereafter
8 become the duty of every owner of breeding cattle within said county
9 to cause his breeding cattle to be tested under the accredited area
10 plan.

1 **SEC. 10-n. Duty to have cattle tested—penalty.** Any owner of
2 breeding cattle in any county which has come under the county area
3 accredited plan as provided in the preceding section, who fails or
4 neglects to apply for such test or to have his cattle tested as provided
5 herein within a period of ninety (90) days from the publication of
6 the resolution by the board of supervisors provided for in the pre-
7 ceding section, which publication shall be deemed legal notice, shall
8 be guilty of a misdemeanor and upon conviction shall be punished by
9 a fine of not more than one hundred dollars (\$100.00) or by imprison-
10 ment in the county jail for not more than thirty (30) days, or both,
11 or any part of both; provided however that, before any action is com-
12 menced under the provisions of this act, the board of supervisors of
13 such county shall cause such owner of breeding cattle to be served
14 with a written notice of the terms of this act, fifteen (15) days before
15 the commencement of such action.

1 **SEC. 10-o. Additional head tax.** Should it become apparent that
2 the funds provided by state and federal appropriations and by the
3 county tuberculosis eradication fund as herein provided, will not be
4 sufficient to complete the testing of breeding cattle in any county
5 which shall have adopted the county area plan, within a reasonable
6 time, the board of supervisors of such county is hereby authorized
7 and empowered to levy an additional tax of not more than twenty-five
8 cents (25c) on each bovine animal and not more than five cents (5c)
9 on each swine, within such county as shown by the last preceding
10 assessor's books. Said fund shall be collected by the treasurer of the
11 county in the same manner as other taxes and placed in the county
12 tuberculosis eradication fund to be used as provided herein.

1 **SEC. 10-p. Rule of construction.** In the event that any one or more
2 provisions of this act shall be held unconstitutional by any court, the
3 decision holding such provision unconstitutional shall not affect the

- 4 validity of the remaining provisions of this act, it being the intention
5 of the legislature that the provisions of this act are separable.

Approved April 9, A. D. 1923.

CHAPTER 49

ANIMAL HEALTH

H. F. 281

AN ACT to amend section ten (10) chapter two hundred eighty-seven (287), laws of the 38th general assembly (S. C. C. 1740), relating to the basis of valuation of tubercular cattle.

Be it enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. Valuation of tubercular cattle. That section ten (10),
2 chapter two hundred eighty-seven (287), laws of the 38th general
3 assembly be and the same is hereby amended by striking out of line
4 thirty-three the word "eighty" and inserting in lieu thereof the word
5 "fifty", and by striking out of line thirty-four the word "forty" and
6 inserting in lieu thereof the words "twenty-five".

- 1 SEC. 2. Forfeiting compensation. That any person, firm or cor-
2 poration importing into the state of Iowa any cattle which have not
3 been tested, and which cattle are found to be infected with tuber-
4 culosis, shall not be permitted to participate in any such compensation.

- 1 SEC. 3. Publication clause. This act being deemed of immediate
2 importance shall take effect and be in full force from and after its
3 publication in the Des Moines Register and the Des Moines Capital,
4 newspapers published in Des Moines, Iowa.

Approved April 4, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 7, 1923, and the Des Moines Register April 8, 1923.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 50

HOG CHOLERA

H. F. 599

AN ACT to amend section two (2) of chapter one hundred seventy-three (173) acts of the thirty-ninth general assembly (S. C. C. 1783-a2) relating to the sale of anti-hog cholera serum and virus and biological products.

Be it enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. Terms defined. That section two (2) of chapter one
2 hundred seventy-three (173) acts of the thirty-ninth general assembly